

IN RE: PETITION FOR ZONING VARIANCE  
N/S Baltimore National Pike,  
35' W of the c/l of Nuwood Road  
(One Mile West Shopping Ctr.)  
1st Election District  
1st Councilmanic District  
RHH Construction Company  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-252-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner originally requested a variance to permit parking with direct vehicle access to travelways and 503 parking spaces in lieu of the minimum required 650 spaces, and to permit 3 other business signs of 264 sq.ft. total in lieu of the maximum permitted 100 sq.ft. At the hearing held on February 12, 1991, the case was continued at Petitioner's request to modify the plan and file an amended Petition. Thereafter, Petitioner filed an amended Petition requesting a variance to permit 476 parking spaces in lieu of the required 717, in accordance with Petitioner's Exhibit 1.

At the hearing held on February 12, 1991, the Petitioner, by Howard P. Sugarman, General Partner, appeared, testified and was represented by Benjamin Bronstein, Esquire. At the continued hearing held on May 6, 1991, Benjamin Bronstein, Esquire appeared on behalf of the Petition as well as Howard Kohn, Leasing Agent, David S. Thaler, Engineer, and Robert Cocchi, Architectural Project Manager for Toys R Us. There were no Protests.

Testimony indicated that the subject property, consists of 10.1 acres more or less zoned B.N. and is improved with a shopping center known as the One Mile West Shopping Center. Petitioner is desirous of expanding the Toys R Us store by 8,153 sq.ft. to provide additional storage space as

depicted on Petitioner's Exhibit 1. Testimony indicated that Toys R Us is the anchor tenant for the subject shopping center and in order to remain on the site needs additional storage space. Currently they have improperly placed storage trailers on the property which will be moved prior to the commencement of construction of the proposed addition. Testimony indicated that the proposed 476 parking spaces are those presently existing for the site. Mr. Kohn testified that he has managed the subject store since the inception of the shopping center and at no time has there been a problem due to insufficient parking. Petitioner contends the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community and to deny same will result in practical difficulty and unreasonable hardship due to the loss of their vital anchor tenant, Toys R Us. Petitioner withdrew its request for the sign variance regarding the other business signs. The other business signs, specifically, the Signet Bank and Econo Lube N Tune signs as depicted on Petitioner's Exhibit 1, were granted a variance by the Zoning Commissioner in Case No. 91-67-A.

The Deputy Director of Planning, Pat Keller, appeared at the hearing to comment on the revised site plan in light of its modification of their position set forth in the written comments dated April 24, 1991. Mr. Keller testified he had no objection to the revision, provided Petitioner works with the Office of Planning to provide planting in the parking lot and upgrade the aesthetic quality of the shopping center.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soiley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.4 to permit parking with direct vehicle access to travelways; 409.1 and 409.2 to permit 503 parking spaces in lieu of the minimum required 650 and from 413.2.2.f. to permit 3 other business signs with a total of 264 sq. ft. in lieu of the 100 sq. ft. maximum of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Configuration of the property.
2. And such other and further reasons as may be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s): RHH Construction Company  
a Maryland General Partnership  
(Type or Print Name)  
By: *Harry Sampson*  
Signature  
Harry Sampson, General Partner  
(Type or Print Name)  
Signature

Attorney for Petitioner:  
Evans, George & Bronstein  
(Type or Print Name)  
By: *George Evans*  
Signature  
29 W. Susquehanna Ave., Suite 205  
Address  
Towson, Maryland 21204  
City and State

3809 Clarks Lane 359-2151  
Address Phone No.  
Baltimore, Maryland 21208  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
D.S. Thaler & Associates, Inc.  
Name  
7115 Ambassador Rd. 944-3647  
Address Phone No.

Attorney's Telephone No.: (301) 296-0200

ORDERED By The Zoning Commissioner of Baltimore County, this 21 day of Nov 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12 day of FEB 19 91, at 12 o'clock P.M.

*J. R. ...*  
Zoning Commissioner of Baltimore County  
(over)

- 1) whether strict compliance with requirements would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21 day of May, 1991 that the Petition for Zoning Variance to permit 476 parking spaces in lieu of the required maximum of 717, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

#### AMENDED PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.4 to permit 476 parking spaces in lieu of the required maximum of 717.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Configuration of the property
2. Existing uses
3. And such other and further reasons as may be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s): RHH Construction Company  
a Maryland General Partnership  
(Type or Print Name)  
By: *Harry Sampson*  
Signature  
Harry Sampson, General Partner  
(Type or Print Name)  
Signature

Attorney for Petitioner:  
Evans, George & Bronstein  
(Type or Print Name)  
By: *George Evans*  
Signature  
29 W. Susquehanna Ave., Suite 205  
Address  
Towson, Maryland 21204  
City and State

3809 Clarks Lane 359-2151  
Address Phone No.  
Baltimore, Maryland 21208  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
D.S. Thaler & Associates, Inc.  
Name  
7115 Ambassador Rd. 944-3647  
Address Phone No.

Attorney's Telephone No.: (301) 296-0200

ORDERED By The Zoning Commissioner of Baltimore County, this 21 day of Nov 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12 day of FEB 19 91, at 12 o'clock P.M.

*J. R. ...*  
Zoning Commissioner of Baltimore County  
(over)

- 1) Within forty-five (45) days of the date of this Order or prior to occupancy of the proposed addition, whichever occurs first, the Petitioner shall submit a landscape plan which has been approved by the Deputy and/or Deputy Director of Planning. Said plan shall at a minimum provide planting and upgrade landscaping along the front of the property around the signs and in the interior of the parking lot as determined appropriate by the Office of Planning.

2) Prior to the issuance of any permits, the storage trailers shall be removed from the subject property.

3) Within ninety (90) days of the date of this Order, Petitioner shall submit documentation evidencing compliance with the B.C.Z.R., or the previous issuance of permits for the identification signs on the subject property.

4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit three (3) other business signs of 264 sq.ft. total in lieu of the maximum permitted 100 sq.ft., be and is hereby DISMISSED.

AMN:bjs

*ANN M. NASTAROWICZ*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 2/27/91  
By *...*

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 6, 1991

Benjamin Bronstein, Esquire  
29 W. Susquehanna Avenue, Suite 205  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
N/S Baltimore National Pike, 35' W of the c/l of Nuwood Road  
(One Mile West Shopping Center)  
1st Election District - 1st Councilmanic District  
RHH Construction Company - Petitioner  
Case No. 91-252-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*ANN M. NASTAROWICZ*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

File

October 16, 1990  
ONE MILE WEST SHOPPING CENTER  
DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR VARIANCES

Beginning for the same at the point where the northerly right-of-way line of U.S. Route 40, also known as Baltimore National Pike, intersects the westerly right-of-way line of Nuwood Drive; thence, binding upon the said northerly right-of-way line of U.S. Route 40, 160.01 feet by a curve to the right, having a radius of 7564.44 feet and a chord of North 65 27'54" West 160.00 feet to a point; and, 355.95 feet by a curve to the right, having a radius of 7564.44 feet and a chord of North 63 30'40" West 355.92 feet to a point; thence, North 15 39'11" East 702.90 feet to intersect the southerly right-of-way line of Dlong Road; thence, binding on said right-of-way line, South 71 58'23" East 282.73 feet to a point; 212.26 feet by a curve to the right, having a radius of 8276.23 feet and a chord of South 71 14'18" East 212.25 feet to a point; and, South 70 30'13" East 32.08 feet to a point; thence, South 33 56'43" East 16.07 feet to intersect the westerly right-of-way line of Nuwood Drive, thence, binding upon said right-of-way line, South 02 36'46" West 15.26 feet to a point; 190.98 feet by a curve to the right, having a radius of 665.00 feet and a

#184





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 3, 1997

Ms. Stacey A. McArthur  
D.S. Thaler & Associates, Inc.  
7115 Ambassador Road  
Baltimore, MD 21244

RE: Spirit and Intent  
One Mile West Shopping Center  
Zoning Case 91-252-A  
1st Election District

Dear Ms. McArthur:

Your letter to Arnold Jablon, Director of Permits and Development Management has been referred to me for reply. Please excuse the delay of my response. Your client's request is to close the existing drive (formerly used for customer pick-up) for a proposed 1,000 square foot retail storage addition between Toys 'R' Us and the building to the south. Required parking is provided (and no spaces will be lost). As such, your request that the proposed addition be approved as being within the spirit and intent of granted zoning hearing case #91-252-A is granted.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.  
Planner II  
Zoning Review

JJS:rye

c: zoning case 91-252-A

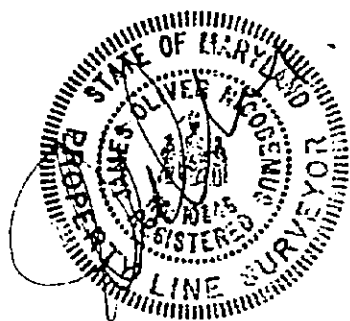
Enclosure

page 2  
ONE MILE WEST SHOPPING CENTER  
DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR VARIANCES

chord of South 10 50'25" West 190.33 feet to a point;  
South 19 04'03" West 540.26 feet to a point; and, South 66  
30'56" West 23.62 feet to the point of beginning.

Containing 9.2835 acres of land, more or less.

This description taken from, and intended to comply  
with a Plat of Survey prepared by D.S. Thaler & Associates,  
Inc., dated August 14, 1986.



### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: Towson Date of Posting: Jan 12, 1991  
Posted for: HHM Construction Company  
Petitioner: HHM Construction Company  
Location of property: 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204  
Location of Sign: 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204  
Remarks: None  
Posted by: J. Robert Haines Signature  
Number of Signs: 1

### CERTIFICATE OF PUBLICATION

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 113 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case number: 91-252-A  
N/S Baltimore National Pike, 35' W of W of Newwood Road, One Mile West Shopping Center, 1st Election District  
Petitioner(s): HHM Construction Company, Inc.  
Hearing Date: Tuesday, Feb. 12, 1991 at 10:00 a.m.

Variance: to permit parking with direct vehicle access to travel always; to permit 100 parking spaces in lieu of the minimum required 600; and to permit a street 20' W of the 100 sq. ft. maximum.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
CATJ1209 Jan. 17

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 12, 1991.

CATONSVILLE TIMES

S. Zeke Orman  
Publisher

\$ 60.78

### CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 12, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 12, 1991.

THE JEFFERSONIAN,

S. Zeke Orman  
Publisher

\$ 60.78

### CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 12, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 12, 1991.

THE JEFFERSONIAN,

S. Zeke Orman  
Publisher

\$ 56.70

### CERTIFICATE OF PUBLICATION

Jan 12, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 12, 1991.

CATONSVILLE TIMES

S. Zeke Orman  
Publisher

\$ 56.70

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: 3781

Date: 1/14/91

	QTY	PRICE
PUBLIC HEARING FEES	1	\$175.00
ZONING VARIANCE (OTHER)	1	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: HHM CONSTR CO

U4A0480013HCHRC \$175.00  
SA 1002143P13-30-90  
Please make checks payable to: Baltimore County OFF BUSINESS DAY

Cashier Validation:

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: 3781

Date: 1/14/91

91-252

Please Make Checks Payable To: Baltimore County

Cashier Validation:

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: 3781

Date: 2/26/91

To be combined with  
Item #184, Case #91-252-A

	QTY	PRICE
PUBLIC HEARING FEES	1	\$175.00
ZONING VARIANCE (OTHER)	1	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: HHM CONSTR CO

U4A0480077HCHRC \$175.00  
SA 1002143P13-30-90  
Please Make Checks Payable To: Baltimore County OFF BUSINESS DAY

Cashier Validation:

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: 3781

Date: 1/14/91

91-252

Please Make Checks Payable To: Baltimore County

Cashier Validation:

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3355

DATE: 1/14/91

HHM Construction Company  
3809 Clarke Lane  
Baltimore, Maryland 21208

RE:  
Case Number: 91-252-A  
N/S Baltimore National Pike, 35' W of W of Newwood Road, One Mile West Shopping Center  
1st Election District - 1st Councilmember  
Petitioner(s): HHM Construction Company  
HEARING: MONDAY, MAY 6, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 85.78 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Benjamin Bronstein, Esq.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3355

DATE: 1/28/91

HHM Construction Company  
3809 Clarke Lane  
Baltimore, Maryland 21208

RE:  
Case Number: 91-252-A  
N/S Baltimore National Pike, 35' W of W of Newwood Road, One Mile West Shopping Center  
1st Election District - 1st Councilmember  
Petitioner(s): HHM Construction Company  
HEARING: TUESDAY, FEBRUARY 12, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 85.78 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Benjamin Bronstein, Esq.



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

January 8, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-252-A  
N/S Baltimore National Pike, 35' W of Nuxwood Road  
One Mile West Shopping Center  
1st Election District - 1st Councilmanic  
Petitioner(s): HNH Construction Company  
HEARING: THURSDAY, FEBRUARY 12, 1991 at 10:00 a.m.

Variance to permit parking with direct vehicle access to travelways; to permit 503 parking spaces in lieu of the minimum required 650; and to permit 3 other business signs with a total of 264 sq. ft. in lieu of the 100 sq. ft. maximum.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: HNH Construction Company  
Benjamin Bronstein, Esq.

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

March 18, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-252-A  
N/S Baltimore National Pike, 35' W of Nuxwood Road  
One Mile West Shopping Center  
1st Election District - 1st Councilmanic  
Petitioner(s): HNH Construction Company  
HEARING: MONDAY, MAY 6, 1991 at 9:30 a.m.

Variance to permit 496 parking spaces in lieu of the required maximum of 717.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: HNH Construction Company  
Benjamin Bronstein, Esq.  
David S. Thaler/Rosen/Glidden  
Howard P. Supan

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

January 31, 1991

Benjamin Bronstein, Esquire  
Evans, George and Bronstein  
29 W. Susquehanna Avenue, Suite 205  
Towson, MD 21204

RE: Item No. 184, Case No. 91-252-A  
Petitioner: HNH Construction, et al  
Petition for Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Harry Sampson  
HNH Construction Company  
3809 Clarks Lane  
Baltimore, MD 21208

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
21st day of November, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: HNH Construction Co.

Petitioner's Attorney: Ben Bronstein

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

March 8, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County  
One Mile West Shopping  
Center  
Zoning Meeting  
of 11-20-90  
N/S Baltimore National  
Pike (Route 40-W) West  
of Nuxwood Road  
(Item #184) Revised Plan

Dear Mr. Haines:

We have reviewed the revised plan for the One Mile West Shopping Center and have the following comment.

Since the proposed parking spaces within the limits of the existing entrance were eliminated, we find the plan acceptable allowing the entrance to remain open.

If we can be of further assistance, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

*John Contestabile*  
John Contestabile, Chief  
Engineering Access Permits  
Division

LB:maw

cc: D. S. Thaler & Assoc., Inc.  
Mr. J. Ogle

My telephone number is 333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

November 8, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County  
One Mile West Shopping  
Center - HNH Construction  
Company  
Zoning Meeting of 11-20-90  
N/S Baltimore National  
Pike (Route 40-W) West  
of Nuxwood Road  
(Item #184)

Dear Mr. Haines:

We have received the submittal for a variance to permit parking with direct vehicle access to travelways and to permit 3 other business signs with a total of 264 square feet in lieu of the 100 square feet maximum and have the following comment.

In order to provide the proposed parking spaces, one existing entrance onto Baltimore National Pike must be closed with State Highway Administration Type 'A' concrete curb and gutter as shown on the enclosed revised plan.

All work within State Highway Administration right of way must be performed under an access permit issued by our office prior to issuance of building permits.

Also, we have forwarded this plan to our Highway Beautification Section, c/o George Dawson (333-1642) for all comments related to the sign variance.

If we can be of further assistance, please contact Larry Brocato at (301) 333-1350.

Very truly yours,

*John Contestabile*  
John Contestabile, Chief  
Engineering Access Permits  
Division

LB:maw  
enclosure

cc: Mr. George Dawson (w-enclosure)  
D.S. Thaler & Assoc., Inc. (w-enclosure)  
Mr. J. Ogle (w-enclosure)

My telephone number is (301) 333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

November 23, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Attn: Mr. James Dyer

RE: Plan concerning the N/S  
Balto. Nat'l Pike (Rte. 40  
West) 35 Ft. West of Nuxwood  
Rd. Balto. Co. Zoning  
Item No. 184

Dear Mr. Haines:

Plans concerning the above subject were reviewed, and the location in question was inspected by Mr. Jessie L. Parker, the Highway Beautification Inspector for the area.

This office has no objective to the location of the signs as per plans submitted. Should you need further information, please call me at 333-1640.

Sincerely,

*George T. Dawson*  
George T. Dawson, Chief  
Highway Beautification Section

GTD:lrs  
cc: John Contestabile  
Jessie Parker

received  
11/27/90

RECEIVED  
NOV 27 1990  
ZONING OFFICE

My telephone number is (301) 333-1640

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

691 Bosley Avenue Suite 405  
Towson, MD 21204

887-3554  
Fax 887-5781

December 10, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item #184  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

ZAC November 20, 1990  
HNH Construction Co.  
N.W. corner of Baltimore  
National Pike & Nuxwood Rd  
B.R.  
Variance to permit parking  
with direct vehicle access  
to travelways, to permit 503  
parking spaces in lieu of the  
required 650; and to permit  
3 other business signs with a  
total of 264 sq. ft. in lieu  
the 100 sq. ft. max.  
9.2 acres  
1st Election District  
1st Councilmanic District

Area:  
District

Dear Mr. Haines:

The requested variance to parking can be expected parking problems in the area.

Very truly yours,  
*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSF/lab

received  
12/13/90



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: December 5, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: HMH Construction Company, Item No. 184

The Petitioner requests a Variance to permit parking with direct vehicle access to travelways, to permit 503 parking spaces in lieu of the minimum required 650, and to permit three other business signs with a total of 264 sq. ft. in lieu of the 100 sq. ft. maximum.

In reference to the Applicant's request, staff provides the following comments:

- This project received CRG approval on June 29, 1989.
- The Petitioner's plat should be amended to indicate a zoning history.

On October 30, 1990, the zoning commissioner granted a variance to permit two free-standing business signs with a total area of 138 sq. ft. (see Case No. 91-67A). Other than a standard reference to the 30-day appellate process, no restrictions were attached with the Order.

In a revised comment, dated October 10, 1990, the Office of Planning and Zoning recommended the following:

"This office supports the Petitioner's request should a consolidated sign package incorporating the anticipated fast food establishment be submitted."

In the subject case, filed prior to the execution of the previously mentioned order, still another variance has been requested. The Petitioner's proposal, in the opinion of staff, would add to the existing visual clutter along Baltimore National Pike; therefore, staff recommends the Petitioner's request be denied, and strongly suggests again that the Petitioner incorporate this and any additional signage with the existing signs currently in place.

received  
11/21/90

HMH Construction Company, Item No. 184  
Page 2  
December 3, 1990

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM184/ZAC1

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-1500

March 17, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

1. Revised petitions, descriptions and plats for #266 were submitted on 3/5/91.

7. The Fire Prevention Bureau has no comments at this time.

2. Revised petitions and plats for #184 (Case #91-252-A) were submitted on 2/27/91.

7. The Fire Prevention Bureau has no comments at this time.

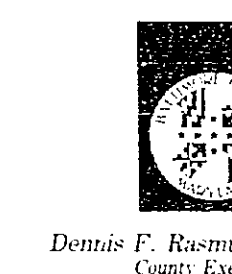
Zoning Agenda: March 12, 1991

REVIEWER: *Carl Joseph Kelly* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-1500  
Paul H. Reincke  
Chief

NOVEMBER 21, 1990



J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: HMH CONSTRUCTION COMPANY

Location: ONE MILE WEST SHOPPING CENTER

Item No.: 184 Zoning Agenda: NOVEMBER 20, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Joseph Kelly* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

received  
11/24/90

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
NOVEMBER 15, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 184  
PROPERTY OWNER: HMH Construction Company  
N/S Baltimore National Pike, 35' W  
LOCATION: Centerline of Nuwood Road (One Mile West Shopping Center)  
ELECTION DISTRICT: 1st  
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)  
( ) NUMBER PARKING SPACES ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) STORAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - BUILDING SHALL COMPLY TO THE HEIGHT AREA REQUIREMENT OF THE BUILDING CODE. ALL SIGNS SHALL COMPLY TO ARTICLE 22.1. PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Mitch Keilman  
Gwendolyn Stephens

DATE: February 15, 1991

FROM: Ann M. Nastarowicz  
Deputy Zoning Commissioner

SUBJECT: Petition for Zoning Variance  
N/S Baltimore National Pike, 35' W of the c/l of Nuwood Road  
(6600 Baltimore National Pike)  
1st Election District - 1st Councilmanic District  
HMH Construction Company - Petitioner  
Case No. 91-252-A

Please be advised that the hearing in the above-captioned matter, which was scheduled for Tuesday, February 12, 1991, was continued to allow Petitioner an opportunity to file an amended Petition for Zoning Variance. I have instructed them to set up an appointment with you, Mitch, at your earliest convenience. Thereafter, the matter will be rescheduled for a continued hearing, following readvertisement and reposting.

Owen, please reschedule the matter in for a day on which I am scheduled to hear cases. Most likely, it should take no more than 30 minutes. Please see me upon receipt of the amended Petition regarding an agreeable date and time.

Mitch, the following items need to be addressed when reviewing the amended Petition:

- 1) Parking requirements and calculations;
- 2) Signs -- All signs for the property must be denoted on the plat and specified as to how they are needed as Petitioner has indicated the sign variance originally requested will no longer be needed;
- 3) Zoning history;
- 4) Check all Zoning Plans Advisory Committee comments to make sure any issues raised are properly addressed.

Should either of you have any questions, please do not hesitate to see me. Thank you both for your assistance in this matter.

AMN:bjjs  
cc: File

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 23, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: HMH Construction Company, Item No. 184

In reference to the petitioner's requested amended variance, staff offers the following comments:

The request for 241 fewer parking spaces is excessive. Any change necessitating the need for such a variance would result in an over-development of the site.

Please find our initial comments dated December 5, 1990, attached.

This office recommends that the petitioner's request be denied.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm  
ITEM184/ZAC1

Attachment

received  
4/24/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: James D. Dyer  
Zoning Supervisor

March 8, 1991

FROM: James H. Thompson  
Zoning Enforcement Coordinator

RE: Item No. 91-252-A  
N/S Baltimore National Pike,  
35' W of the c/l of Nuwood Road  
(6600 Baltimore National Pike)  
1st Election District

Please note that an active violation case does exist for the above referenced property, Case No. C-91-680.

Our case file relates to the illegal placement of trailers with Baltimore County as the complainant.

MTH:ljg

received  
3/27/91



DPile



# D.S. THALER & ASSOCIATES, INC.

715 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21207  
(410) 944-0000 • FAX (410) 944-0000

July 27, 1992

Baltimore County, Maryland  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Room 109  
Towson, Maryland 21204

ATTN: Mr. Donald M. Rascoe  
Development Manager

RE: One Mile West  
Shopping Center  
Adjustment to Approved  
Variance Plat

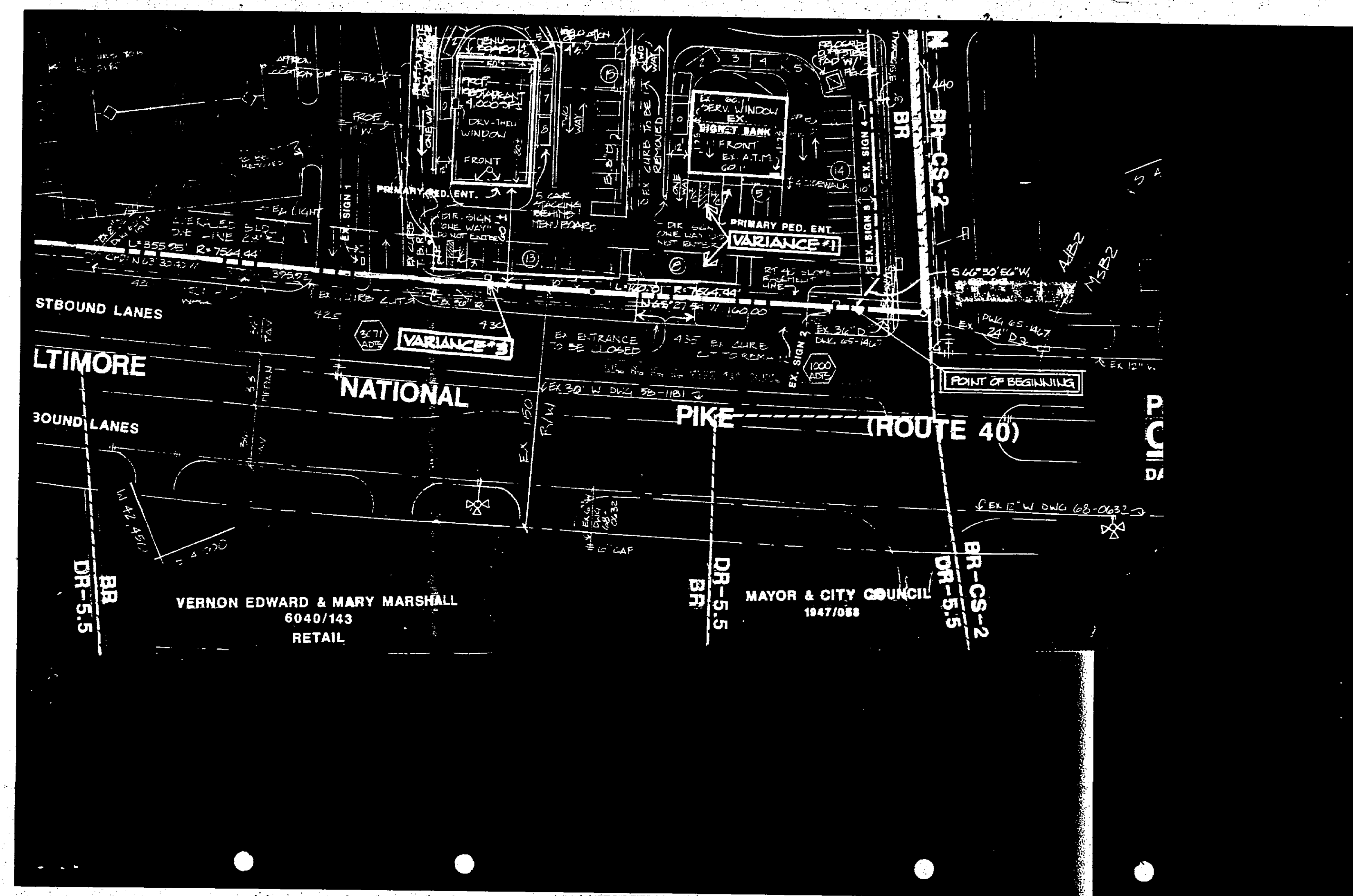
Dear Mr. Rascoe:

As you may recall, on February 26, 1992, Arnold Kohn of HMM Construction Company and I met with yourself, Pat Keller and John Sullivan regarding the anticipated replacement of an existing Signet Bank with a Wendy's fast food restaurant at the referenced shopping center. The purpose of our meeting was to determine the process for revising the approved parking variance and CRG in order to facilitate the requested change in use.

It was agreed at that meeting that the Office of Planning and Zoning would support the revision to the CRG Plan as a "plan refinement" so long as the number of parking spaces being variances did not change. The refinement also entailed eliminating a CRG approved restaurant pad adjacent to the bank building in lieu of providing the restaurant use in the existing bank footprint.

Since that time, the CRG revision has been approved and signed. In order to be certain that we address all housekeeping matters and clear the way for the processing of the building permits, we thought it best to submit the enclosed realigned variance plans to you so that your office could update its files with regard to the previously approved parking variance (Reference Case No. 91-252-2 dated May 8, 1991). You will note that on both the previously approved plan and this realigned plan that 241 parking spaces are being variances. This is in accordance with our discussion of February 26.

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

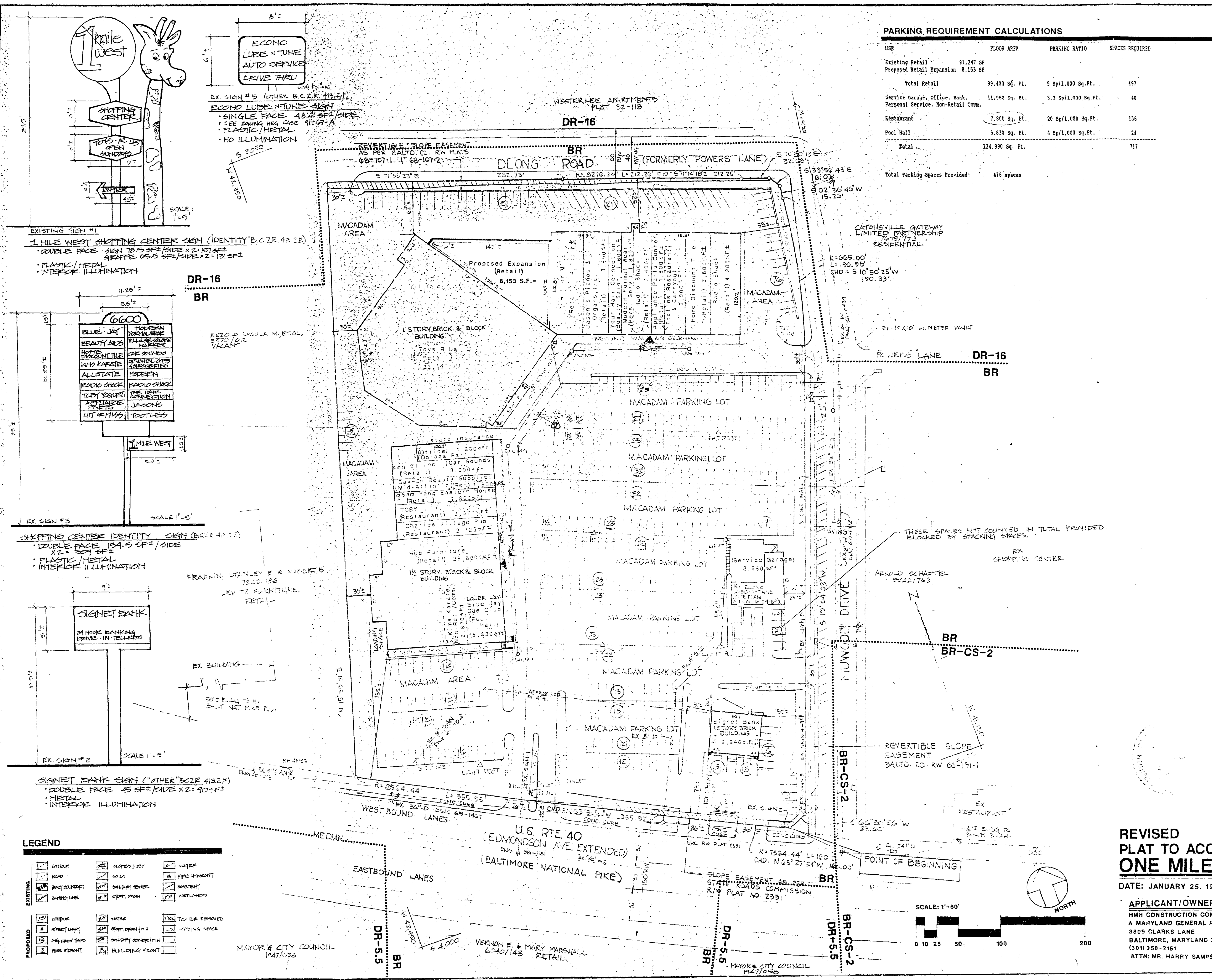
NAME	ADDRESS
DAVIDS, THALER	715 AMBASSADOR RD
ROWAN GILBERT	BALT MD 21207
BENT BROWSTEN	SUITE 205 SUSQUEHANNA BLDG TOWSON 21204
Arnold Kohn	715 Am. Rd Baltimore MD 21203
Arnold Kohn - HMM Construction Company	

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVIDS, THALER	715 AMBASSADOR RD 21207
ARNOLD KOHN	715 Am. Rd Baltimore MD 21203
Robert C. Kohn	401 E. Main Rd Baltimore MD 21202
Arnold Kohn - HMM Construction Company	

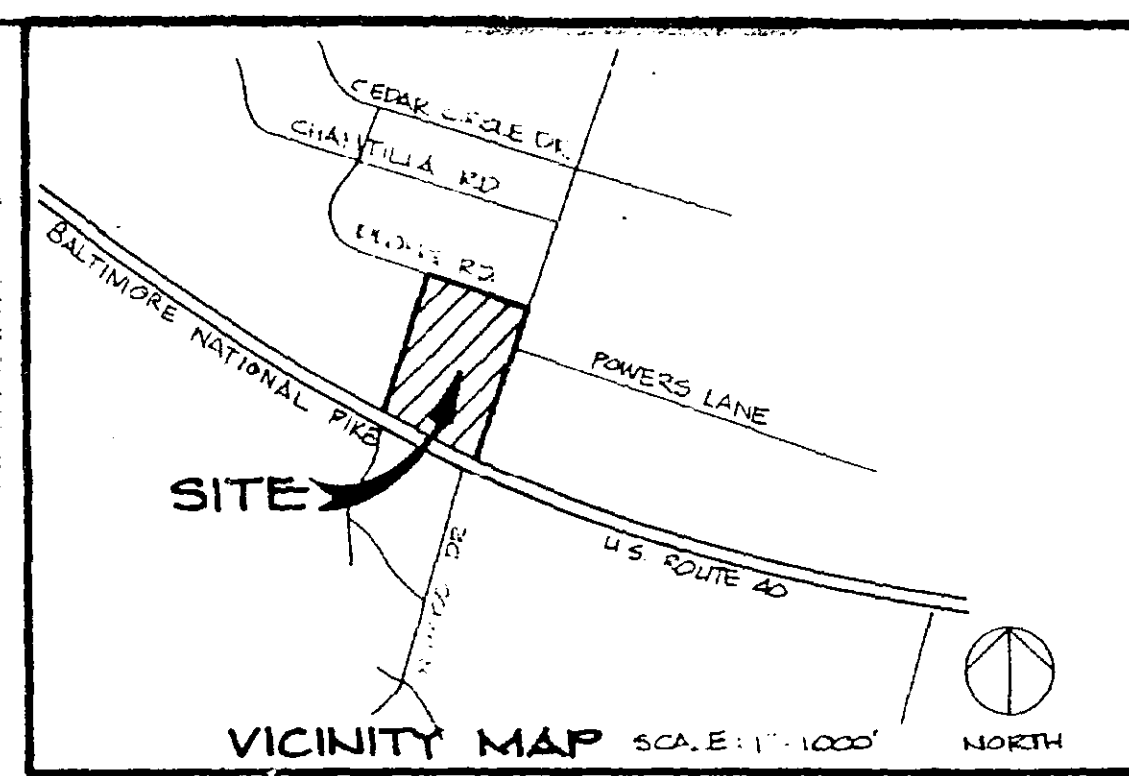




**PARKING REQUIREMENT CALCULATIONS**

USE	FLOOR AREA	PARKING RATIO	SPACES REQUIRED
Existing Retail	91,247 SF		
Proposed Retail Expansion	8,153 SF		
<b>Total Retail</b>	<b>99,400 Sq. Ft.</b>	<b>5 Sp/1,000 Sq. Ft.</b>	<b>497</b>
Service Garage, Office, Bank, Personal Service, Non-Retail Com.	11,960 Sq. Ft.	3.3 Sp/1,000 Sq. Ft.	40
Restaurant	7,800 Sq. Ft.	20 Sp/1,000 Sq. Ft.	156
Pool Hall	5,830 Sq. Ft.	4 Sp/1,000 Sq. Ft.	24
<b>Total</b>	<b>124,990 Sq. Ft.</b>		<b>717</b>

Total Parking Spaces Provided: 475 spaces



**GENERAL NOTES**

DEVELOPMENT TITLE: ONE MILE WEST SHOPPING CENTER

APPLICANT: HMH CONSTRUCTION COMPANY, A MARYLAND GENERAL PARTNERSHIP

OWNER: 2609 CLARKS LANE, BALTIMORE, MARYLAND 21215, TEL: (301) 358-2151, ATTN: MR. HARRY SAMPSON, GENERAL PARTNER

DEED REFERENCES: 4805/70, 5233/68

TAX ACCOUNT NUMBERS: 1600004476, 1600004479

TAX MAP: 84, GRID: 23, P. 132

ELECTION DISTRICT: 1

COUNCILMANIC DISTRICT: 1

ZONING: BR

EXISTING LAND USE: SHOPPING CENTER

UTILITIES: ALL UTILITY CONNECTIONS WILL BE MADE TO EXISTING PRIVATE SYSTEMS WITHIN THE PROPERTY.

GROSS AREA: 10.1 AC.

NET AREA: 9.2 AC.

DENSITY CALCULATIONS:

ALLOWABLE F.A.R. = 2.0

PROPOSED F.A.R. = 2.0 X 10.1 AC. = 20.2, 518,912 S.F.

PARKING REQUIRED: 717 - SEE PARKING REQUIREMENT CHART

HANDICAP: TWO (2) PERCENT OF TOTAL SPACES

EXISTING LAND USE: SHOPPING CENTER

EX. PARKING PROVIDED: 475 SPACES - (INCLUDING HANDICAP SPACES)

ALL PARKING, MANEUVERING AND AISLE AREAS WILL BE PERMANENTLY PAVED WITH BITUMINOUS PAVING AND PERMANENTLY STRIPED.

**PROPERTY ADDRESS: 5600 BALTIMORE NATIONAL PIKE, BALTIMORE COUNTY, MARYLAND**

**PROPERTY LOCATION: NORTHWEST INTERSECTION OF NUWOOD DRIVE AND BALTIMORE NATIONAL PIKE**

**ZONING CASE HISTORY**

Case Number 1542: 2.24 Ac. 3425' West of Rolling Rd.  
Request - Change from "A" residential zone to "E" commercial zone.  
Granted - June 26, 1951

Subject to - 2.5 SF parking/1 SF building footprint  
- 25' building setback off Baltimore National Pike right of way

Case Number 2462: 6.33 Ac. West of Powers Lane  
Request - Change from "A" residential zone to "F" industrial zone  
Denied - February 3, 1953  
Did not want to set precedent

Case number 5159-X: 1.37 Ac. 3550' West of Rolling Rd.  
Request - Reclassify from R-6 to BR zone  
- Special exception for used car display  
Granted - December 14, 1950

Subject to - No vehicles displayed closer than 35' from Baltimore National Pike right of way  
NEVER UTILIZED ON THIS SITE.

Case Number 58-170-R: 2.98 Ac. Northwest of intersection of Baltimore National Pike and Nuwood Rd.  
Request - Reclassify from R-10 to BR zone  
Granted - February 18, 1958

Case Number 91-67-A:  
Request - Permit 2 freestanding business signs w/ a total of 138 SF in lieu of 100 SF permitted.  
Granted - October 30, 1950 with no restrictions.

**REVISED PLAT TO ACCOMPANY PETITION FOR VARIANCE ONE MILE WEST SHOPPING CENTER**

DATE: JANUARY 25, 1991

PREPARED BY: **D.S. THALEN & ASSOCIATES, INC.**

APPLICANT/OWNER: **HMH CONSTRUCTION COMPANY, A MARYLAND GENERAL PARTNERSHIP**

2609 CLARKS LANE, BALTIMORE, MARYLAND 21215 (301) 358-2151

ATTN: MR. HARRY SAMPSON, GENERAL PARTNER

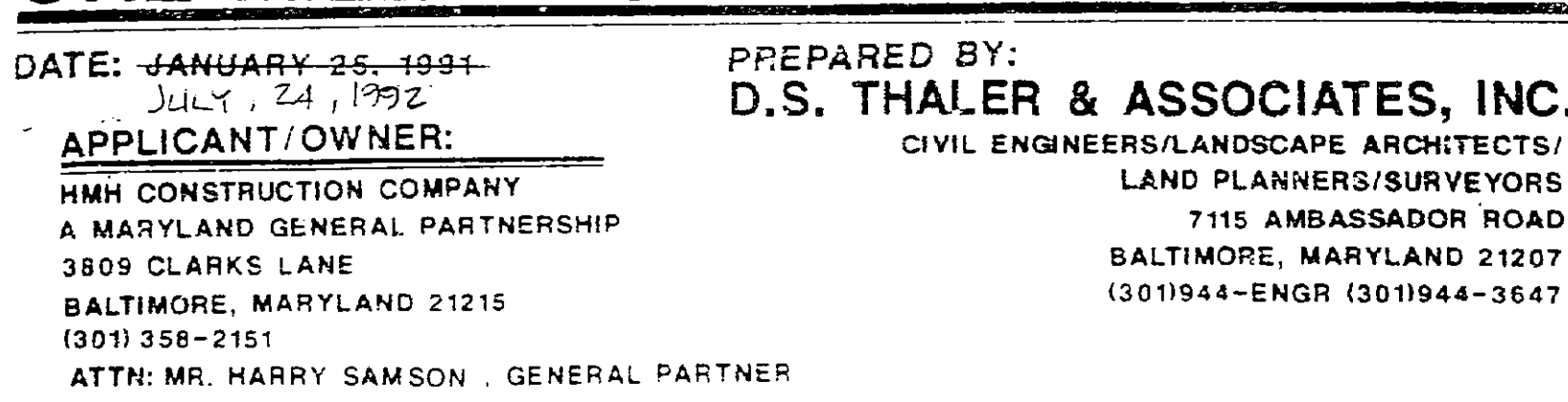
REVISOR: **CHAS. E. MEERS/LANDSCAPE ARCHITECTS/LAND PLANNERS/SURVEYORS**

7115 AMBASSADOR ROAD, BALTIMORE, MARYLAND 21212 (301) 358-2151

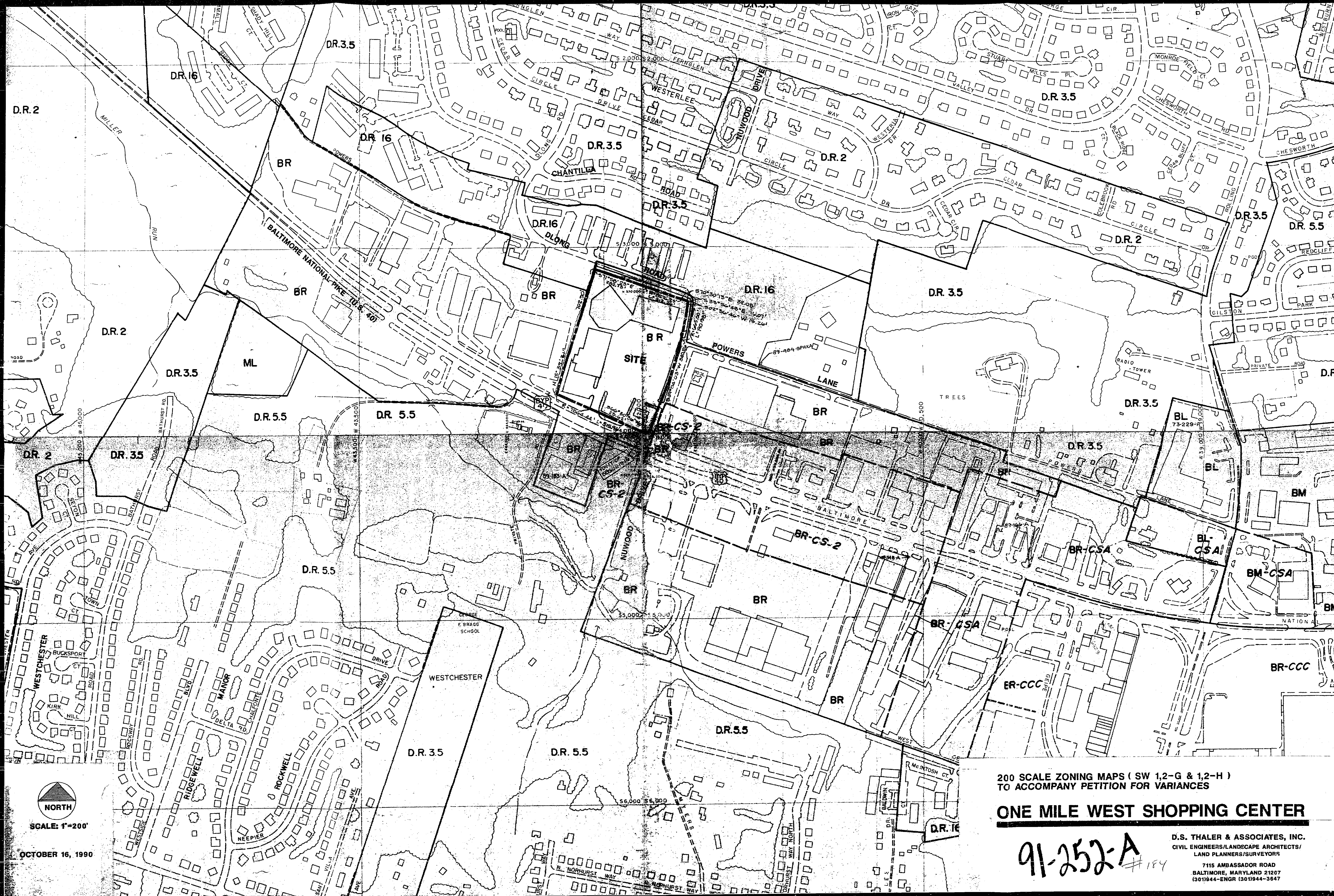
REVISOR'S LICENSE NO. 91-250-A

RECEIVED FEB 27 1991









200 SCALE ZONING MAPS ( SW 1,2-G & 1,2-H )  
TO ACCOMPANY PETITION FOR VARIANCES

**ONE MILE WEST SHOPPING CENTER**

91-252-A #184

D.S. THALER & ASSOCIATES, INC.  
CIVIL ENGINEERS/LANDSCAPE ARCHITECTS/  
LAND PLANNERS/SURVEYORS  
7115 AMBASSADOR ROAD  
BALTIMORE, MARYLAND 21207  
(301)944-ENGR (301)944-3647